

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 28 and 29 are currently pending in this application.

Claim Rejections – 35 USC §112

The Examiner rejected claims 28 and 29 under 35 U.S.C. §112, first paragraph for failing to comply with the written description requirement. The Applicant respectfully disagrees. Support for the phrase "at least one of the communication channels carries time multiplexed signaling information and power control information" may be found in paragraph [0050] of the patent specification.

The withdrawal of the rejection to the claims 28 and 29 is respectfully requested.

Claim Rejections - 35 USC §103

Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,072,787 to Hamalainen et al. (hereinafter "Hamalainen") in view of U.S. Patent No. 5,892,774 to Zehavi et al. (hereinafter "Zehavi"). The Applicant respectfully disagrees.

Hamalainen discloses a mobile system using a so-called multi-channel access technique in which one or more traffic channels is allocated to a mobile station for data transfer in accordance with the data transfer rate required by the mobile station (see abstract).

More specifically, Hamalainen discloses that the mobile station indicate the minimum and maximum requirements for the data transfer rate of user data to a mobile communication station at the beginning of call set-up (see column 5, lines 44-47). Using the parameters, the mobile communication network assigns a data

call a transfer rate that is within the minimum and maximum requirements for the data transfer rate. Further, Hamalainen specifically discloses that the data transfer rate is assigned to the mobile station and is dynamically adjusted by the mobile communication network depending on the resources of the mobile communication network (see column 6, lines 17-21).

Zehavi discloses a method for implementing a reverse link power control subchannel in which a power control command is transmitted within signaling messages multiplexed into a reverse link data stream (see column 1, lines 60-67).

Both Hamalainen and Zehavi fail to disclose a subscriber unit that is capable of both "determining a data rate required to support a first communication" and "allocating ... a sufficient number of communication channels for transmission at said data rate" as recited in independent claims 28 and 29. According to Hamalainen, the mobile station only transfers indications of a minimum and maximum requirement for a data transfer at the beginning of a call set-up and it is the mobile communication network that assigns a transfer rate to a data call. Unlike the pending claims, Hamalainen fails to disclose a mobile station that makes a determination of a data rate required to support a first communication and also allocates a sufficient number of communication channels for transmission of the first communication without any signaling from the communication network.

Accordingly, the withdrawal of the 35 U.S.C. §103 rejection of claims 28 and 29 is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this

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application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing remarks, the Applicant respectfully submits that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Reconsideration and entry of this amendment is respectfully requested.

Respectfully submitted,

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Enclosure